

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EUGENE CASTELLE, CASE No. 18CR15AKH
Petitioner, 1:21-CV-04694-AKH

V.
UNITED STATES OF AMERICA,
Respondent.

PETITIONER'S REPLY TO
GOVERNMENT'S OPPOSITION
TO RELEASE ON BOND.

The petitioner, Eugene Castelle,
pro se, hereby replies as follows
to the government's opposition to
his emergency motion for release
on bond:

1. The government concedes that
the court has the authority to grant
the petitioner's request. (Opp. at
p. 1)

2. The government argues that the petitioner's claim is not substantial. (Opp. at p. 1). Not so. In ordering the government to respond to the petitioner's motion under 28 U.S.C. Section 2255, the court found in its June 8, 2021 order that the petitioner's claim was substantial.

3. Finally, the government argues that the petitioner's case is not an exceptional one deserving of bond. (Opp. at p. 1) The petitioner has already been in custody for 20 months, and further confinement will render the remedy under Section 2255 ineffective should he prevail on the merits, because he will have lost any possibility of being put in a position to be re-offered anything close to the 8 to 14 month plea offer, the specific remedy

proscribed by the Supreme Court
in Laffer v. Cooper, — U.S. —
(2012), in a situation like this one,

4. The petitioner was released
pending trial and direct appeal
resolution, which demonstrates
that he is neither a danger to
the community nor a flight risk
if released in this instance.
Accordingly, justice would best be
served by releasing the petitioner
on bond pending a merits ruling
on his substantial section 2255
claim in order to maintain section
2255 as an effective remedy.
See Acosta v. United States, 2019
U.S. Dist. LEXIS 149018 (W.D.N.Y.,
Sept. 21, 2019) (granting bail in
a section 2255 case).

CONCLUSION

The petitioner should be released on bond in order to maintain Section 2255 AS AN effective remedy.

Respectfully submitted,

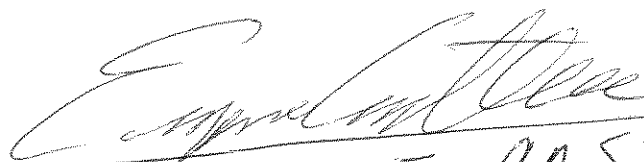


EUGENE CASTELLE, Pro Se
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Dated: November 12, 2021

PROOF OF SERVICE

This is to certify that
A copy of the foregoing
Petitioner's Reply to Government's
Opposition to Release on Bond
has been mailed to Jacob
FiddeIman, AUSA, 1 St. Andrews
Plaza, NY, NY 10007, this
12th day of November, 2021,
via First class mail.


EUGENE CASTELLE

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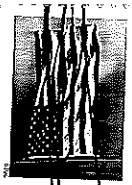
^{JR}
Criminal
Docketing



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